

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P Street, Sacramento, CA

DIVISION OF WATER RIGHTS
P. O. BOX 2000, Sacramento, CA 95810



STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER ALLOWING CONDITIONAL TEMPORARY URGENCY CHANGE
IN PLACE OF USE, PURPOSE OF USE, AND POINT OF REDIVERSION

LICENSES 8042 AND 8043 (APPLICATIONS 19415 AND 19755) OF SAN FRANCISCO BAY AREA COUNCIL BSA

WHEREAS:

1. Critically dry water conditions this year have resulted in low water supply for the upper Coast Range. This has resulted in critically low water supply to the City of Willits.
2. The City of Willits (City) has declared a State of City Emergency. The City receives its water supply from its reservoir at Morris Dam located four miles southeast of the City. The water is collected and stored under water right License 11311 (Application 4572) and Permit 17613 (Application 25666). This year the City has essentially run out of water due to critically dry water conditions.
3. The San Francisco Bay Area Council of the Boy Scouts of America (Council) has filed a Temporary Urgency Change Petition with the State Water Resources Control Board dated (Board) November 18, 1987. The petition requests a temporary change in the place of use (to add the City of Willits), a temporary change in the purpose of use (to add Municipal Use) and a point of rediversion for 75 acre-feet of water.
4. The Council has an 800 acre-foot capacity reservoir at the Council's Boy Scout Camp in Finney Valley located approximately four miles east of the City. The water is stored under water right Licenses 8042 and 8043 (Applications 19415 and 19755). The Council has agreed to release 75 acre-feet of its stored water for use by the City.
5. The water released from Scout Lake will be rediverted at a proposed temporary diversion dam located 1½ miles downstream. At the rediversion the water will be pumped into a temporary eight inch pipeline. The pipe will extend about two miles from the creek to the City's filtering plant located two miles to the south.

6. The Department of Fish and Game has been contacted and has no objections provided fish screens are placed over the intake of the pumps. The project constitutes specific action necessary to prevent or mitigate an emergency in accordance with Title 14, California Administrative Code, Section 15269(c) and thus is exempt from the provisions of Public Resource Code Section 21000 et seq.
7. The Council's petition was filed under the temporary urgency change provisions of Water Code Section 1435 et seq to supplement the City's water supply.
8. In accordance with the authorization in Water Code Section 1435 (d), the Board has adopted Resolution No.84-2 delegating to an individual Board member authority to approve temporary urgency changes where no detrimental effects are anticipated.
9. The temporary urgency change described in this order is in the public interest, does not constitute the initiation of a new right, nor operate to the injury of any other lawful user of water and will not unreasonably affect fish, wildlife or other instream beneficial uses.
10. The Chief, Division of Water Rights is authorized to file a Notice of Exemption pursuant to Section 15307 of the State EIR Guidelines.

NOW, THEREFORE, IT IS ORDERED THAT

1. The San Francisco Bay Area Council BSA may temporarily divert water from Scout Lake for use within the boundaries of the Willits Service Area located within T17N, R13W, MDB&M, T18N, R13W, MDB&M and T18N, R14W, MDB&M for municipal purposes at a point of diversion located North 150 feet and West 200 feet from the SE corner of Section 16, T18N, R13W, MDB&M under Licenses 8042 and 8043 (Applications 19415 and 19755).
2. Diversion of water under this order is authorized beginning November 20, 1987 and continuing through May 18, 1988. This authorization shall be of no further force or effect on May 19, 1988 unless extended by the Board prior to that date.

3. In accordance with Section 1601, 1603 and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until licensee has entered into a stream alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plan for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of licensee.
4. The Council shall report to the Board by July 1, 1988, the total quantity of water diverted at the point of rediversion under this change order.
5. This temporary urgency change will be presented to the Board for review at a meeting within 30 days of its issuance. Should the Board fail or refuse to validate the temporary urgency change, it shall stand revoked as of the date of said Board meeting and shall be of no further force and effect.
6. This conditional temporary urgency change is issued and permittee takes it subject to the California Water Code, Division 2, Chapter 6.6, Section 1435 et seq. This temporary urgency change order shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board.
7. The Board shall supervise the use of water under the temporary urgency change for the protection of vested rights and instream beneficial uses and for compliance with change order conditions.
8. Except as expressly provided herein, all terms and conditions of these permits shall remain in effect.

Date:

11/19/87

W. Don Laughlin
Board Chairman

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 19755

PERMIT 12987

LICENSE 8043

THIS IS TO CERTIFY, That

San Francisco Bay Area Council, Boy Scouts of America
P. O. Box 796
Oakland, California 94604

has made proof as of August 11, 1966,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Finney Valley in Mendocino County

tributary to Berry Creek thence Davis Creek thence Outlet Creek

for the purpose of recreational use
under Permit 12987 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from September 27, 1960 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed three hundred (300) acre-feet per annum to be collected from about
October 1 of each year to about May 1 of the succeeding year.

Licensee's right hereunder extends only to water necessary to keep the reservoir
full by replacing water lost by evaporation and seepage, and to refill if emptied
for necessary maintenance or repair.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 25°18'27" west 1961.47 feet from NE corner of Section 15, T18N, R13W, MDB&M,
being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 15.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH
WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, T18N, R13W, MDB&M, and
Within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T18N, R13W, MDB&M.

Licensee shall maintain an outlet pipe of adequate capacity in his dam as near
as practicable to the bottom of the natural stream channel, or provide other
means satisfactory to the State Water Rights Board, in order that water entering
the reservoir or collected in the reservoir during and after the current storage
season may be released into the downstream channel to the extent necessary to
satisfy the downstream prior rights and/or to the extent that appropriation of
said water is not authorized under this right.

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Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 10 1967

L. K. Hill
Executive Officer

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